

MICHAEL BAKER.

JUNE 22, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DAYTON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 1388.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1388) to remove the charge of desertion from the record of Michael Baker, beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion from the record of Michael Baker, formerly of the U. S. S. *Brooklyn*. It appears that Michael Baker enlisted for three years in the Navy as a first-class boy November 14, 1864; that he served on board several vessels without fault, as appears by the record, until January 19, 1867; and that he is marked as a deserter at that date from the U. S. S. *Brooklyn*. On March 30, 1894, the case of Baker was examined by the Navy Department with a view of relief, but the application was rejected on the ground that, owing to the act of Congress approved August 14, 1888, having expired by limitation, the Department had no authority of law to remove said charge.

When he enlisted Baker was only 14 years old, and he ran away from home to enter the service. In an affidavit he declares that he supposed he enlisted for the war only, and never knew better until he applied for a discharge at the close of hostilities and was refused. In January, 1867, he learned that his father was sick and at the point of death, when he applied for leave to return home, but was refused. He then went home without consent and found his father dead. Baker declares that, being but a boy when he deserted, he "did not realize the enormity of the offense," and thinks that he in part, at any rate, atoned for it by subsequently enlisting and serving in the Navy for several years.

The committee think that this is a case in which relief may well be granted, and they therefore recommend that the bill pass.